



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

April 26, 2023

The Honorable J. Paul Oetken
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: United States v. Kumar,
21 Cr. 755 (JPO)

Dear Judge Oetken:

The Government respectfully submits this letter in advance of tomorrow's charging conference to include its proposed entrapment charge and to note for the record its view that the following "if applicable" charges from its proposed requests to charge, Dkt. No. 53, are warranted:

- Request No. 10: Conscious Avoidance
- Request No. 14: False Exculpatory Statements
- Request No. 17: Particular Investigative Techniques Not Required
- Request No. 18: Stipulations (but singular)
- Request No. 19: Charts and Summaries
- Request No. 23: Testimony of Experts (but singular)
- Request No. 24: Uncalled Witnesses—Equally Available
- Request No. 30: Similar Acts Evidence

The Government does *not* believe that the following "if applicable" charges from its proposed requests to charge are warranted:

- Request No. 1.v: Redactions
- Request No. 21: Preparation of Witnesses
- Request No. 31: Admission of Defendant

Depending on the defense case, the following "if applicable" charges from the Government's proposed requests to charge might be warranted:

- Request No. 1.w: Character Testimony
- Request No. 26: Defendant's Testimony
- Request No. 27: Defendant's Right Not to Testify

The Government also opposes the defense's requested missing witness charges as to Mickey Chadha and the case agent, and is prepared to discuss other objections to the defendant's proposed charges, Dkt. No. 56.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By: _____/s/

David R. Felton
T. Josiah Pertz
Sarah Mortazavi
Assistant United States Attorneys
(212) 637-2299 / -2246 / -2520